THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.17461 OF 2006

DATED: 18-06-2007

BETWEEN

Smt. Abeda Bee,
W/o. Shaik Bade Saheb,
R/o. H.No.7-1-308/A/3,
B.K. Guda, Hyderabad
And another.

...PETITIONERS

AND

The Assistant Commissioner
of Police, Punjagutta,
Hyderabad and others.

...RESPONDENTS

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents.

2. Learned counsel for the petitioners submits that with regard to the civil disputes relating to the property bearing No.7-1-308/A/3 admeasuring 102 sq. yards in Sy.No.109, Bahlool Khan Guda, Hyderabad, the police is unnecessarily interfering with the civil rights and disputes of the petitioners and calling them to the police station and making them sit in the police station without any justification whatsoever. He further submits that none of the petitioners are the accused in any crime. While so, the third respondent issued a notice under Section 160 and 91 of the Code of Criminal Procedure, dated 06.02.2006 stating that on the basis of the complaint of one Mohd. Shabbir Ali – fourth respondent herein, a case in Cr.No.96 of 2006 under

Sections 448 and 427 of the Indian Penal Code has been registered against the second petitioner and investigation has been taken up. Accordingly, the second petitioner was requested to produce the relevant documents with regard to the said property to prove that it belongs to the petitioners.

3. Counter has been filed stating that, in fact, no case has been registered against the petitioners but a case has been registered against the brother of the second petitioner namely – Mohd Anwar and in that regard only the aforesaid notice has been issued for production of the relevant documents with regard to the disputed house.

4. Having regard to the facts and circumstances of the case and as none of the petitioners are accused in any crime, the respondents 2 and 3 are directed not to interfere with the personal life and liberty of the petitioners as well as the civil disputes pending in respect of the said property.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

June 18, 2007
DSK